

Notice of Allowability	Application No.	Applicant(s)	
	10/801,477	RASMUSSEN, JORGEN	
	Examiner	Art Unit	
	Johnnie L. Smith II	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 03/12/2004.
2. ☒ The allowed claim(s) is/are 1,3,6,8-25 and 27.
3. ☒ The drawings filed on 03/12/2004, are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>0110,0614</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Karnstein on 03/17/2005.

The application has been amended as follows:

Claims 2, 4, 5, 7, and 26. (Cancelled)

Claim 1. A microsample manipulator, comprising: a shaft having a proximal end and a distal end; a microsample holder coupled to the distal end [; and a support arm coupled to the shaft having a retracted position and a deployed position, wherein the microsample holder is at least partially supported when the support arm is deployed]

, wherein the microsample holder includes a microsample platform and a clamp configured to reversibly affix the microsample platform to the shaft.

Claim 6. The microsample manipulator of claim 1, wherein the [support arm] **shaft** may be deployed by one or more of sliding [,] **and** rotating [,and pivoting].

Claim 8. The microsample manipulator of claim [7] **1**, wherein the microsample platform is substantially planar.

Claim 9. The microsample manipulator of claim [7] **1**, wherein the microsample platform includes a grid.

Claim 10. The microsample manipulator of claim [7] **1**, wherein the microsample platform includes a disk having a diameter of about 3 mm.

Claim 13. A sample manipulation system, comprising:
a microsample manipulator that includes a shaft having a proximal end and a distal end, a planar microsample platform, and **a clamp removably** affixed to the distal end **of the shaft, the clamp being configured to reversibly affix the planar microsample platform to the distal end of the shaft** [a support arm coupled to the shaft having a retracted position and a deployed position]; and
a housing at least substantially enclosing the microsample manipulator, wherein the housing permits access to the microsample platform.

Claim 17. A microsample manipulator, comprising: a shaft having a proximal end and a distal end; and

a microsample holder removably coupled to the distal end;
wherein the microsample holder includes a microsample platform and a clamp configured to reversibly affix the microsample platform to the shaft; and
wherein the microsample holder is configured to be coupled to a plurality of distinct microsample manipulators.

Claim 20. The microsample manipulator of claim [18] 17, wherein the microsample holder is coupled via insertion of a portion of the microsample holder into a recess in the distal end of the shaft.

Claims 21. A method of using a microsample manipulator that includes a shaft having a proximal end and a distal end [, a microsample holder affixed to the distal end, and a support arm coupled to the shaft having a retracted position and a deployed position]; the method comprising:

coupling a removable microsample holder to the distal end of the shaft;
clamping a microsample platform to the microsample holder to reversibly affix the microsample platform to the shaft, the microsample platform including a disk with an aperture and a sample tip extending from the disk;

associating a microsample with the sample tip of the microsample platform [microsample holder]; and

folding the sample tip toward the disk to bring the microsample into alignment with the aperture

[deploying the support arm to at least partially support the microsample holder].

Claim 22. The method of claim 21, further comprising transporting the microsample **manipulator** to an analytical instrument.

Claim 23. The method of claim 22, further comprising inserting the microsample **manipulator** into the analytical instrument.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: the prior art searched and cited failed to teach applicants limitations of having a microsample manipulator, including a shaft having a proximal end and a distal end; a microsample holder coupled to the distal end, wherein the microsample holder includes a microsample platform and a clamp configured to reversibly affix the microsample platform to the shaft as being claimed in the amended claims 1, 13, 17, and 21. Claims 3, 6, 8-12, 14-16, 18-20, 22-25, and 27 are allowable because of their dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on the attached PTO 892 contain art similar to that being claimed by applicant, more specifically, microscope specimen holders for use in electron microscopes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnnie L. Smith II whose telephone number is 571-272-2481. The examiner can normally be reached on Monday-Thursday 7-4 P.M. and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JLSII

Johnnie L Smith II
Examiner
Art Unit 2881



NIKITA WELLS
PRIMARY EXAMINER

03/21/05